Declaration

of

Lori Lee Holland, FBI

Exhibit A - Administrative Claim Denial Letter

Exhibit B - Certified Mail Return Receipt

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DARWIN MAZARIEGOS-DIAZ,	)	Case No. 2:17-cv-00440-JCM-GWF
Plaintiff,	)	
	)	
v.	)	
UNITED STATES OF AMERICA, et al,	)	
Defendants	)	
	)	

DECLARATION OF LORI LEE HOLLAND

FEDERAL BUREAU OF INVESTIGATION

I, LORI LEE HOLLAND, hereby declare as follows:

1. I am employed by the Federal Bureau of Investigation (FBI), and I am currently a Unit Chief over the Discovery Processing Unit II (DPU II), Office of the General Counsel, located in Washington, D.C. I have served in this capacity from approximately May 2012 to the present. I have been employed with the FBI since 1985.

2. As a Unit Chief with DPU II, I oversee a unit of Paralegal Specialists who have access to the records contained in the FBI's Central Records System. The records in the FBI's Central Records System include records of administrative claims submitted to the FBI under the Federal Tort Claims Act. All administrative claims submitted to the FBI are indexed into the FBI's Central Records System. Once indexed, a record of an administrative claim is retrievable through a search of the general indices to the

FBI's Central Records System. In short, the Central Records System is the FBI's official system of records for all investigative, administrative, and official business of the FBI.

3. The information stated below is based on personal knowledge or on information obtained from documents kept by the Agency in the ordinary course of business.

4. A search of the Central Records System was conducted by my unit in regards to the above-captioned matter and the search located an administrative claim file. Attached to this Declaration are copies of the following documents from this file:

Exhibit A: Administrative claim denial letter from FBI to Plaintiff, sent via certified mail to Plaintiff's counsel Adam S. Kutner, Esq. 1137 South Rancho Dr., Suite 150A, Las Vegas, NV 89102. This letter is dated April 29, 2016.

Exhibit B: Certified Mail Return Receipt slip received by the FBI's Las Vegas Division date stamped May 3, 2016 ("03 MAY '16" appears stamped on the card, although it appears the person who signed for the letter did not enter the date of delivery).

Pursuant to 28 U.S.C. Section 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 1 day of September, 2017 in Washington, D.C.

Lori Lee Holland
Unit Chief
Discovery Processing Unit II
Office of the General Counsel
Federal Bureau of Investigation
Washington, D.C.

EXHIBIT A

Administrative Claim Denial Letter

U.S. Department of Justice

Federal Bureau of Investigation

Office of the Chief Division Counsel

1787 West Lake Mead Boulevard
Las Vegas, Nevada 89106

April 29, 2016

Adam S. Kutner, Esq.
1137 South Rancho Drive, Suite 150A
Las Vegas, Nevada 89102

Re: Administrative Claim for Automobile Accident Involving a U.S. Government Vehicle on May 19, 2015

Dear Mr. Kutner:

Your completed Standard Form 95, Claim for Damage, Injury, or Death and Demand package, was received by this office on April 29, 2016, and was forwarded to me for response.

Please be advised that we have reviewed the facts surrounding this matter, and have denied your claim in the amount of $22,377.80.

As a federal government agency, the Federal Bureau of Investigation (FBI) is self-insured in automobile accident matters. Federal government employees are protected from personal liability while operating a government vehicle within the scope of their employment pursuant to the Federal Driver's Act and the Federal Tort Claims Act. Title 28 U.S.C. Sections 2672 and 2679.

Pursuant to O.R.C. Section 4509.71, any motor vehicle owned and operated by the United States is exempt from the motor vehicle financial responsibility requirements in O.R.C. Sections 4509.01 to 4509.79, to include the proof of financial responsibility requirements set forth in O.R.C. Section 4509.101, with respect to traffic accidents and traffic tickets.

We must advise you that if you are dissatisfied with our determination, pursuant to 28 Code of Federal Regulations (C.F.R.) Section 14.9(a), suit may be filed against the United States in an appropriate United States District Court not later than six (6) months after this notice of denial. Also, pursuant to 28 C.F.R. 14.9 (b), a written request for reconsideration of our decision may be submitted to this office stating specifically why you believe our decision to be erroneous and upon what evidence, case law, or statutory authority you rely for your determination. Such a request must also be received within six (6) months of the date of this letter.

Please feel free to contact me at (702) 584-5763 or Paralegal Specialist Robyn Errington at (702) 584-5823 if you have any questions regarding this matter.

Sincerely,

Angela S. Ketchum

Angela S. Ketchum
Chief Division Counsel

EXHIBIT B

Certified Mail Return Receipt

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

F.B.I.
1787 W. Lake Mead Blvd.
Las Vegas, NV 89106-2135

ATTN: Legal Unit

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Adam S. Kutner Esq.
1137 South Rancho Dr.
Suite 150 A
Las Vegas, NV 89102

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7001 0320 0001 2470 9420

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540